

GOVERNMENT OF MADRAS

Res (1950) Department.

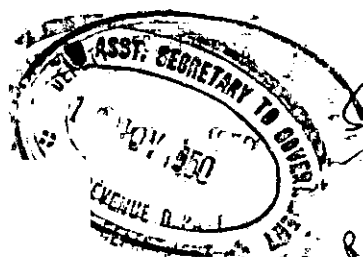
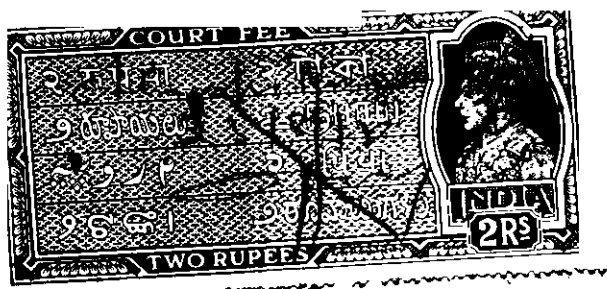
Endorsement

D.O.

Memorandum

Lodged

No. 766117/



*call for value
of the petition
2/11/50*

Before the Honourable Government of Madras

Port St. George, Madras.

Revision Pet.No. of 1950

against

(?) B.P.Rt. 2297 dated 12-4-1950

of the Board of Revenue, Chepauk, Madras.



Aleri Rami Reddi, Sollapuram,
Rayadurg Taluk

.. petitioner.

The Address of the petitioner for service of all notices and processes is that of his Advocate Mr. O. Chinnappa Reddy, 11 Venkatarathnam Road, Teynampet, Madras.

The abovenamed petitioner begs to present this Memorandum of Revision against the order of the Board of Revenue in its B.P.Re. 2297 dated 12-4-50 for the following among other grounds:-

1. The petitioner is a resident of Sollapuram, Rayadurg Taluk and owns Ac. 200 of land. His family consists of himself, his four brothers and their wives and children. As the house in which the petitioner's family is now living is a small one of the dimensions of 20 feet X 59 feet, the petitioner applied to the Tahsildar of Rayadurg to assign to house site of 12 yards X 18 yards close to his present house and the Tahsildar by his L.S.R.Dis. 30/56, B-3 assigned the site to the petitioner, after an elaborate enquiry was made by himself and the Revenue Inspector. In pursuance of the Tahsildar's order, the petitioner at great expense collected stones, bricks and other building materials and also dug foundation pits for the purpose of constructing a building. But

on an appeal filed by one Hanimi Reddi, the Revenue
p338 of (B) Divisional Officer of Bellary in his Dis. 2938/49 F
dated 24-9-47 cancelled the assignment without assigning
any reasons. Thereupon the petitioner preferred an
appeal to the Collector, Bellary but the Collector in his
pp77-78 of 7 (A) R.Dis. 1265/47 A-3 dated 21-1-1949 dismissed the appeal
holding that it was not admissible to assign the site to the
petitioner as the width of the lane would be thereby less
Against this order the petitioner filed a revision petition
before the Board of Revenue, but the Board of Revenue by
its order B.P.Rt. 2297 dated 12-4-1950 dismissed the petition.

2. The petitioner submits that the orders of the
Revenue Divisional Office, the Collector and the Commission
for Land Revenue, none of whom visited the locality and
inspected the site, are unjust and illegal. It is not
correct to say that the width of the lane would be lessened
if the site is assigned to the petitioner; Nor, will any
inconvenience or hardship be caused to any other villager.
Even after the site is assigned to the petitioner, an
open space of the width of 21 feet will still be left over.
The petitioner is attaching a plan to this petition so as to
make matters clear. The site assigned to him by the
Tahsildar is marked in red pencil. The petitioner
submits that a look at the plan will conclusively show
that the Collector's order is without any basis.

3. In these circumstances it is just and necessary
that this Hon'ble Government may be pleased to set aside
the order of the Board of Revenue in its B.P.Rt. 2297 &
dated 12-4-50 and restore the order of the Tahsildar
assigning the house site to me.

O. Chinnappa Reddi

Bellary Dt.

Before the Government of
Madras, Fort St. George;
Madras.

Rev. Pet. No. of 1950
 agst

B.P.Rt. 2297 d/ 12-4-50
Revenue Board, Madras.

*Before the Government of Madras
for St George, Madras*
High Court, Madras.

APPELLATE SIDE

Bellary DISTRICT

VAKALAT

IN

Rev No. of 195 0

ACCEPTED

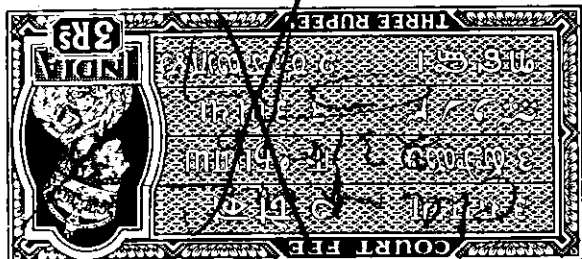
Chinnappa

Advocates for Appellant
Responder

Messrs. ~~K. VENKATA RATHNAM~~
O. CHINNAPPA REDDY &
~~P. RAMAKRISHNA~~

Advocates for Appellant
Responder
Petitioner

Address for service of the said Advocate is .
50, Law Chambers High Court Buildings,
Madras.



Letter to Government of Madras for Sr. Judges, Madras
In the High Court of Judicature at Madras

APPELLATE SIDE

Rev. Que- No. of 1950

AGAINST

D. 12-4-50

13-PA No. 2297

of 1950, on the file of the Court of Appeal, Madras

Appellant
Petitioner

Shri. Ram. Nethy

Versus

Respondent

1/We Shri. Ram. Nethy

Appellant
Respondent
Petitioner

in the above Appeal / Petition do hereby appoint and retain

Messrs. K. VENKATA RATHNAM, O. CHINNAPPA REDDY, & P. RAMAKRISHNA

Advocates of the High Court, to appear for me/us in the above Appeal/Petition and to conduct and Prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including all applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all appeals and applications under clause XV of the Letters Patent and in all applications for review and for leave to appeal to The Federal Court.

45000000

I certify that the contents of this Vakalat were read out and explained in my presence to the executant, or executants who appeared perfectly to understand the same and made his, her or their signature or mark or marks in any presence.

Executed before me this

23rd

day of

1950

Signature

7 Rev. Sept

Memo. No. 7664 M/50-1 dated 17-11-50

House Sites - (Bellary) - Rayadurg
Taluk - Sallapuram Village - Assignment of house site
Petition from Sri. Aleri Rami Reddi of Rs. 23.850.

C.F.

C.F.

A copy of the petition quoted above is forwarded to the P.D.O. of Rev. The P.D.O. is requested to submit the connected records with a report on each of the contentions of the petitioner as have not been dealt with in the records.

The P.D.O. should be directed to personally inspect the site unless he has already done so.

H.H. 11/11/50

K
16/11/50 D.S. Ver
16-11-50

PJ 12/11/50

11/11/50

10/11/50
The P.D.O. of Rev. (with a copy of petn.)

E.R. 20.12.50

R.D. 10.1.51

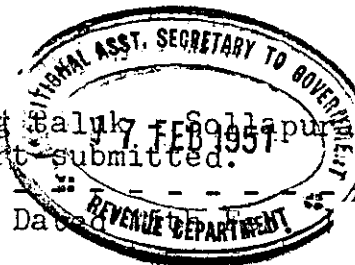
REVENUE DEPARTMENT
Subject.

37.11 13/11/50
ASSIGNMENT - House sites (Bellary) - Rayadrug Taluk
(Village) - Petition of Sri Rami Reddy - Report submitted.

B. 11169/50-2.

Station: Madras.

Date



Sri A.F. Mascaranhas, I.A.S.,
Secretary, Board of Revenue.

Sri W.M.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.

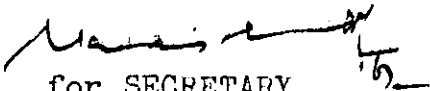
7/11/50 Read: i. Government Memo (Revenue No. 76611M/50 dt: 17.11.1950.
19/11/50 - ii. Bellary Collector's Rc. 17969/50.A3 dated 19.1.1951.

REFERENCE:

Submitted to the Government.

m3/col. (D) 2. B.P.Rt. 2297/50 dated 12.4.50 in which the case was
disposed of by the Board is submitted herewith. The Board has no
further remarks to offer.

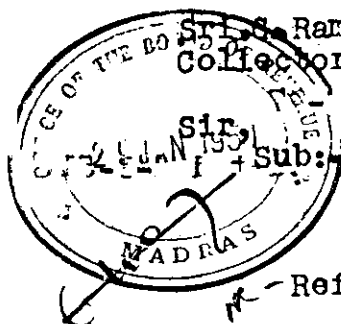
The Secretary to the Government,
Revenue Department, Madras


for SECRETARY.

From

Sri. S. Rami Reddi, B.A.,
Collector, Bellary.

The Secretary, Board of Rev.,
Bellary.



Sub: H.S.3 - Bellary District - Rayadrug Taluk - Sollapuram
village Assignment of H.S. Petition of Rami Reddi
(Sri.A) Report submitted.

Ref:- Bd's Ref. B./1169/50-1 dated 29-11-50.

Sri. Aleri Rami Reddi of Sollapuram, village of
Rayadrug Taluk has put in an appeal to the Government against
the orders of the Board of Revenue passed in B.P.Rt. 2297/50 dated
12-4-50.

The main contentions of the petitioner are

a) that the site was in the first instance granted to
him by the Tahsildar, Rayadrug.

b) that the Revenue Divisional Officer, Bellary has
cancelled the assignment orders of the Tahsildar, without assigni
any reasons on appeal by one Murari Hanimi Reddi.

c) that the lane is not narrowed by the assignment of
the site to him.

Regarding item (a)-The house site in question was granted to this
appellant by the Tahsildar, Rayadrug in his H.S.R.
Dis. 30/56 dated 13-3-47.

As regards item (b)-On the appeal petition of one Murari Hanimi
Reddi, to the Revenue Divisional Officer, Bellary the
latter cancelled the assignment orders of the Tahsildar
and also ordered the entry of the site in question
in the P.O.B. form the sanitary point of view, the
locality in question being highly congested.
His appeal petitions to the Collector against the orders
of the Revenue Divisional Officer, Bellary and to the
Board of Revenue against the orders of the Collector
were also dismissed by the Collector and the Board of
Revenue respectively.

Regarding item (c)-The Revenue Divisional Officer, Bellary inspected
the site in question on 3-1-51 as directed by Govt.,
and has reported that the locality is already
congested and that the assignment of the site would
diminish the width of the lane as the site in qu
is at the entrance of the lane and there-by cause
inconvenience to the house holders and their
children in the locality by depriving them of t
benefit of using the space adjoining their house
The Revenue Divisional Officer also reports that
vehicular traffic will be rendered difficult at
xx part of the lane if this site is assigned and
therefore considers the assignment of the site
prima facie objectionable.

I am of opinion that though a width of 20 ya
or 60 ft. for a lane may be considered in excess of the norma
requirements, but in view of the fact that the lane is a blir
alley, more open space is necessary for the carts and cattle t
the turn there without much inconvenience.

The following connected records are enclose
for perusal and return when done with..

Copy of the letter R.C.No. 84/51 dated 4-1-51

Sub:- H.S.Rayadrug Taluk - Sollapuram village - Assignment of house site petition of Ramireddi (Sri.A) to Govt., connected records submitted.

Ref:- Your R.C.No. 17969/50 A.3 dated 8-12-50.

I submit herewith my office disposal bearing No.D.Dis No. 2938/47 dated 24-9-47 containing 40 pages for favour of reference and return. Its receipt may kindly be acknowledged.

2. As the site in question which was originally assigned to the appellant by the Tahsildar of Rayadrug does not appear to have been inspected by the then Revenue Divisional Officer or his successors, I inspected it on 3-1-51. The site is at the entrance of the lane and there is an open space of about 20 yards in breadth. Five houses are abutting on either side. The grant of the site would diminish the width of the lane and thereby cause inconvenience to the house holders and their children from the benefit of using the space by the side of their houses. The locality is already congested and it will be rendered more congested by the assignment of the site at the entrance of the lane. Vehicular traffic too will be inconvenienced. I consider that the assignment of the site to anybody is prima facie objectionable. It is highly desirable that the site should be allowed to remain open.

allowed

t/true copy/

By order

26/1
sd
Huzur, Head Clerk

REVENUE DEPARTMENT
SUBJECT.

ASSIGNMENT--House-sites(Bellary)--Rayadrug taluk--Sollapuram vill:
Petition of Sri Rami Reddy--Records submitted.

ledras

Ref.B.11169/50-3 dated 21-2-1951

From

Sri A.F.Mascarenhas, I.A.S.
Secretary, Board of Revenue.
Sri W.R.S. Sattianathan, I.C.S.
Commissioner of Land Revenue.

Read: 1. Government Memo No.76611M/50, Revenue, dated 17-11-50
2. Bd's Ref.B.11169/50-2 dated 15-2-1951

Reference:

. The connected records are submitted herewith in
continuation of the Board's reference cited above.

✓ To The Secretary to Government, Revenue Department with
connected records: 1. B.P.Rt.2297/12-4-50
(B) 2. D.Dis.2938/47F dated 24-9-47
(C) 3. R.Dis.13285/49 dated 20-4-50
4. R.Dis.12652/47 dated 21-1-1949

For Secretary.

(D)

K

RR
252

(A)

l. issue
24.57.

Rev. no. 75611 M/50-2 dated 17.4.57

Assignment - House site - (Bellary). Regarding
to the village - no. 561 (part) -
appeal petition - against the order of the P. W. D.
- Rejected.

From the H. C. (Bellary) P. W. D. dated 20.8.57.
From the P. W. D. (Bellary), Ref. B. 11151/50-2 dated 15.2.57.

There is a road in the grounds to which the
petitioner is entitled. His petition is rejected.
20/5/57

Assignment. House site - (Bellary) - Rayadurg
taink - Jollapuram village - S. no. 56 (part) -
Appeal petition against the orders of the Board of
Revenue.

for Sri Aleri Karmi Reddi, petition dated 23.8.57.

Memo no. 76611 M/50.1 Rev. dated 17.11.50.

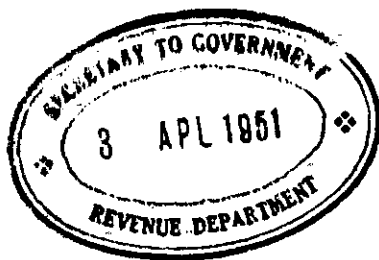
from the Board of Revenue, Ref. B. 11169/50.2 d/15.2.51

Jo A.S.

please see the papers in the cf. Attention
is invited to the minutes of H.N.L.R. on p. 4.

2. The Collector's letter on p 9 of furnishes the facts of the case. A brief history of the case is also given in the minutes of the Board on pp 3-5 & 6 of the B.P. at (D) and it may be perused. With the latter portion of the minutes of the H.M.L.R., it is submitted that the Revenue Divisional Officer, Bellary inspected the site in question on 3.1.51 and that he considered that the assignment of the site to a body is prima facie objectionable and that the site should be allowed to remain open - please see the R.D.O.'s letter on p 11 of the copy of the collector of Bellary's letter on p 10 of the B.P. It is further stated that the width of the road for a car is fixed by the excess of the normal width of the road, but in view of the fact that the lane is a blind alley, more space is necessary for the vehicle to allow it to turn there without meeting oncoming traffic. The board has strongly sent the B.P. in which the case was rejected by it and has stated that it has no further demands to offer. In the circumstances, stated above there seems to be no ground for interference by the Government on behalf of the petitioner unless the petitioner may wish to make

26.3.51. 7/51
and the title is - ad. Subject to
order a draft Memo. is held for approval
30/3/51



31.3.51

Put up after one week

HM(L.R) 49

To A.S.

Please see the notes from P1 above
and the orders of H.M(L.R) above. The bill
may now be recirculated to H.M(L.R).

27.4.51. 10/4/51

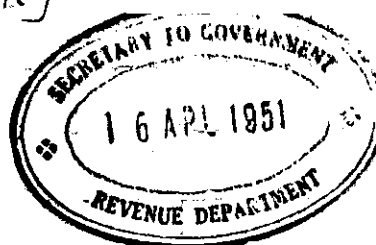
10/4/51

S.S.
E.M.
11/4/51

HM(L.R) 15/4/51

To A.S.

~~please see the notes from P1 above~~
~~and the orders of HM(L.R) above.~~ It is
presumed that H.M(L.R) has agreed that
the draft below may issue. The draft below
now issue.



17 APR 1951



REVENUE DEPARTMENT

G.O. No. 54, 7th January 1950

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948—Rules under sections 8 and 23—Issued.

Read—the following paper :—

Proceedings of the Board of Revenue, dated the 23rd April 1949, Mls. No.

Order—No. 54, Revenue, dated 7th January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

K. M. UNNITHAN,
Secretary to Government.

To the Board of Revenue (Settlement of Estates).
" Collectors of all districts (except Madras, Malabar, South
Kannara and the Nilgiris) with spare copies for Revenue
Divisional Officers and Tahsildars.

To the Legal Department.
" Superintendent, Government Press for publication of
" notification.

[Appendix

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by section 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras hereby makes the following rules :—

RULES.

1. Every Tribunal constituted under section 8 (1) of the Act shall have all the powers exercisable by a Civil Court in the trial of suits.

2. The proceedings of a Tribunal shall be summary and shall be governed as far as practicable by the provisions of the Code of Civil Procedure, 1908, particularly in regard to —

- (a) the issue and service of summonses;
- (b) the examination of parties and witnesses;

- (c) the production of documents; and
- (d) the passing of orders.

3. Every payment of rent made by a ryot to the landholder before the notified date in respect of the fasli year in which the estate is notified shall for the purpose of section 23, clause (a), first proviso, be authenticated as hereunder :—

(a) in cases where the ryot produces a receipt in token of payment of rent to the landholder, such receipt shall have been signed by the landholder or his duly authorized agent on his behalf;

(b) in cases where he does not produce such a receipt, he shall produce a certificate signed by the landholder or his duly authorized agent on his behalf, in token of the payment of rent to the landholder,



REVENUE DEPARTMENT

J.O. No. 54, 7th January 1950

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948—Rules under sections 8 and 23—Issued.

LEAD—the following paper:—

Proceedings of the Board of Revenue, dated the 23rd April 1949, M.S. No. 430.

Order—No. 54, Revenue, dated 7th January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

K. M. UNNITHAM,
Secretary to Government.

To the Board of Revenue (Settlement of Estates).
" Collectors of all districts (except Madras, Malabar, South
Kannara and the Nilgiris) with spare copies for Revenue
Divisional Officers and Tahsildars.

To the Legal Department,
" Superintendent, Government Press for publication of
notification.

NOTIFICATION.

In exercise of the powers conferred by section 67 of the ^{Madras} Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras hereby makes the following rules:—

RULES.

1. Every Tribunal constituted under section 8 (1) of the Act shall have all the powers exercisable by a Civil Court in the trial of suits.

2. The proceedings of a Tribunal shall be summary and shall be governed as far as practicable by the provisions of the Code of Civil Procedure, 1908, particularly in regard to —

- (a) the issue and service of summons;
- (b) the examination of parties and witnesses

NOTIFICATION OF DOCUMENTS; AND

(d) the passing of orders.

3. Every payment of rent made by a ryot to the landholder before the notified date in respect of the fasli year in which the estate is notified shall for the purpose of section 23, clause (a), first proviso, be authenticated as hereunder:—

(a) in cases where the ryot produces a receipt in token of payment of rent to the landholder, such receipt, shall have been signed by the landholder or his duly authorized agent on his behalf;

(b) in cases where he does not produce such a receipt, he shall produce a certificate signed by the landholder or his duly authorized agent on his behalf, in token of the payment of rent to the landholder.



REVENUE DEPARTMENT

G.O. No. 62, 9th January 1950

The Madras Estates, (Abolition and Conversion into Ryotwari) Act, 1948—Transfer of State employees—Rules under section 60 (2)—Amendment—Issued.

Read—the following paper:—

Reference from the Board of Revenue, dated 8th December 1949, No. S.E. (A) 5832/49-1.

Order—No. 62, Revenue, dated 9th January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

K. M. UNNITHAN,

Secretary to Government.

To the Board of Revenue (Settlement of Estates) (with spare copies for Managers):
Collectors of all districts (except Madras, Malabar, South Kanara and the Nilgiris).
To the Legal Department.
Superintendent, Government Press, for publication.

APPENDIX. NOTIFICATION.

In exercise of the powers conferred by sections 60 (2) and 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras hereby makes the following amendment to the rules published with Revenue Department Notification, dated the 27th October 1949, at pages 326-327 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 8th November

added, namely:—
In the said rules, after Rule 8, the following rule shall be added, namely:—
"8. A person who is retained may be transferred from one estate to another on administrative grounds. The transfer shall be made by the Collector of the district in cases where the two estates are in the same district and in other cases by the Board of Revenue. The transfer shall not, however, affect the pay of the person transferred".



REVENUE DEPARTMENT

G.O. No. 62, 9th January 1950

The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948—Transfer of State employees—Rules under section 60 (2)—Amendment—Issued.

Read—the following paper:—

Reference from the Board of Revenue, dated 8th December 1949, No. S.E. (A) 5832/49-1.

Order—No. 62, Revenue, dated 9th January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

K. M. UNNITHAN,
Secretary to Government.

To the Board of Revenue (Settlement of Estates) (with spare
copies for Managers),
Collectors of all districts (except Madras, Malabar, South
Kanara and the Nilgiris).

To the Legal Department,
Superintendent, Government Press, for publication.

APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by sections 60 (2) and 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras hereby makes the following amendment to the rules published with Revenue Department Notification, dated the 27th October 1949, at pages 326-327 of the Rules Supplement to Part I of the *Fort St. George Gazette*, dated the 8th November 1949.

AMENDMENT.

In the said rules, after Rule 8, the following rule shall be added, namely:—

“9. A person who is retained may be transferred from one estate to another on administrative grounds. The transfer shall be made by the Collector of the district in cases where the estates are in the same district and in other cases by the Board of Revenue. The transfer shall not, however, affect the pay of the person transferred.”



REVENUE DEPARTMENT

G.O. No. 210, 23rd January 1956

The Madras Leave Rules, 1933—Applied to estate employees retained—Rule under section 60 (2) of the Abolition Act—Issued.

READ—the following papers :—

G.O. No 2767; Revenue, dated 27th October 1949.

Reference from the Board of Revenue No. S.E. (A) 6119/49-1, dated 19th December 1949.

Order—No. 210, Revenue, dated 23rd January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

2. The action of the Board of Revenue in having, in anticipation of the approval by the Government, instruct-

ed the Manager, Ramnad estate, to continue to follow the Madras Leave Rules, 1933, in the case of the employees in that estate, is approved.

(By order of His Excellency the Governor)

K. M. UNNITHAN,
Secretary to Government.

To the Board of Revenue (Settlement of Estates).

" Collectors of all districts (except Madras, Malabar, South Kanara and the Nilgiris) with spare copies for Revenue Divisional Officers, Tahsildars and Deputy Tahsildars.

To the Accountant-General (through Finance Department).

" Superintendent, Government Press for publication (paragraph 1 only) with appendix.

{Appendix

APPENDIX.
NOTIFICATION.

In exercise of the powers conferred by sections 60 (2) and 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras, hereby makes the following amendment to the rules published with Revenue Department Notification, dated the 27th October 1949, at pages 326—327 of the Rules Supplement to Part I

of the *Fort St. George Gazette*, dated the 5th November 1949, as subsequently amended :—

AMENDMENT.

In the said Rules, after rule 9, the following shall be added, namely :—

“ 10. The Madras Leave Rules, 1933, shall apply to a person who is retained. ”



REVENUE DEPARTMENT

G.O. No. 210, 23rd January 1950

The Madras Leave Rules, 1933—Applied to estate employees retained—Rule under section 60 (2) of the Abolition Act—Issued.

READ—the following papers :—

G.O. No 2767, Revenue, dated 27th October 1949.

Reference from the Board of Revenue No. S.E.(A) 6119/49-1, dated 19th December 1949.

Order—No. 210, Revenue, dated 23rd January 1950.

The appended notification will be published in the *Fort St. George Gazette*.

2. The action of the Board of Revenue in having, in anticipation of the approval by the Government, instruct-

ed the Manager, Ramnad estate, to continue to follow the Madras Leave Rules, 1933, in the case of the employees in that estate, is approved.

(By order of His Excellency the Governor)

K. M. UNNITHAN,
Secretary to Government.

To the Board of Revenue (Settlement of Estates).

Collectors of all districts (except Madras, Malabar, South Kanara and the Nilgiris) with spare copies for Revenue Divisional Officers, Tahsildars and Deputy Tahsildars

To the Accountant-General (through Finance Department).

„ Superintendent, Government Press for publication (paragraph 1 only) with appendix.

{Appendix

APPENDIX.
NOTIFICATION.

In exercise of the powers conferred by sections 60 (2) and 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), His Excellency the Governor of Madras hereby makes the following amendment to the rules published with Revenue Department Notification, dated the 27th October 1949, at pages 326—327 of the Rules Supplement to Part I

of the *Fort St. George Gazette*, dated the 5th November 1949, as subsequently amended :—

AMENDMENT.

In the said Rules, after rule 9, the following shall be added, namely :—

“ 10. The Madras Leave Rules, 1933, shall apply to a person who is retained. ”